

provision to impose a tax on persons "with a political view," with the broad scope that those words would allow to men in the Legislature, who may have some object to subserve, there might be a question whether it would not allow the imposition of a poll tax, in relation to the qualifications of voters, for the political view of controlling votes, or deciding who shall vote. The very clause that is already in this article, and which no one proposes to touch, opens a broad field for action.

Now there is nothing in the substitute proposed by my colleague that should startle the people. And I much doubt whether the people will so distrust this Convention as to apprehend any danger from their action in this respect, or will send men to their future Legislatures who will impose a poll tax as a qualification for voting; and all that we have heard here about imposing such a burden upon the poor man, and restricting the right of voting, it seems to me is uncalled for, when we remember that we have already passed upon an article which provides that every free white male citizen shall have the right to vote.

MR. BARBON. "Ought to have."

MR. CUSHING. One of the gentlemen (Mr. Miller) who opposes this article, says that "ought to" means "shall," and that has not been contradicted on this floor.

MR. SCHLEY. There seems to be in this Convention a considerable confusion of ideas upon this subject. Now let us understand what it is we are talking about; and first, let me ask, what is a poll tax? If I have a correct apprehension of the general meaning of the term, it means a capitation tax levied upon the voters at the polls. That is one, and the popular interpretation of that term; another interpretation, and perhaps a more critical one, is that it is a mere capitation tax. Now if the first interpretation be accepted as the proper one, then a poll tax is clearly grievous and oppressive. I shall never consent to a tax upon the elective franchise. If the other be the proper interpretation, then I think it must strike every member here that, if not necessarily so, it may be and must be, in many instances, equally grievous and oppressive. And for that same reason I think that all such taxes "ought to be abolished;" which I understand to mean a prohibition of them.

Now the confusion of ideas to which I have referred strikes me as occurring between either of these interpretations, and the provision contained in the latter part of this article, authorizing the Legislature to "properly and justly" impose taxes "on persons and property with a political view." I apprehend that the taxes on persons there referred to are not in their nature in either acceptance of the term, the popular or the critical one, a capitation tax, or taxes on persons at the polls. But it may refer to what we now have under the Federal laws, taxes upon income; it may refer to taxes

upon government or public officers. Taxes purely personal and not laid upon the property, are not necessarily capitation taxes, or taxes levied at the polls.

Now believing that taxes by the poll, or capitation taxes, are grievous and oppressive, I shall vote for retaining this article as it is, and against the amendment proposed. And believing also that the power granted to the Legislature, in the succeeding portion of the article, to levy personal taxes, will not come at all in conflict with this prohibition respecting taxes by the poll, or capitation taxes, I see no necessity for altering it, and shall vote for it as it is.

MR. PUGH. As one who has repeatedly paid a poll tax, I suppose I may be permitted to explain what I understand by the words "poll tax." I understand the word "poll" to be a very old word for "head;" and a poll tax is to all intents and purposes a capitation tax. Now if I thought gentlemen from Baltimore city would have any difficulty in explaining to their constituents what was meant by this term "poll tax," I should be in favor of some explanation accompanying it here. But I do not think they will have any difficulty in so doing.

MR. CUSHING. Did the gentleman allude to me, as one who would have difficulty in explaining?

MR. PUGH. No, sir; I alluded to no gentleman in particular.

MR. CUSHING. I merely want to say this, that if this Convention shall ignore the principle "that the levying of taxes by the poll is grievous and oppressive," my people will think that they will not have the right to vote without paying a tax.

MR. PUGH. Then I think that the gentleman should go home to his constituents and explain that it does not mean that. Thousands of men have had poll taxes levied upon them, have not paid, and yet have voted. One serious objection I have always had to the levying of a poll tax, as shown more particularly in Virginia, was that it was almost utterly impossible to collect it of the very parties to whom several of the gentlemen from Baltimore seem to think it refers. A man who has nothing to pay with does not pay a poll tax or any other tax; and yet he votes unless he is otherwise disqualified from voting. I have repeatedly paid a poll tax in Virginia, and I have voted side by side with dozens of men who never paid a poll tax or any other tax.

Now there is nothing whatever in this article or any other requiring that a man shall pay a poll tax or any other tax in order to entitle him to the right of suffrage; and if the Legislature should hereafter provide that no man shall vote unless he pays some tax, whether that Legislature designate that tax as a poll tax or any other tax, that will not deprive him of the right of suffrage.